



1 UNITED STATES BANKRUPTCY COURT
2 DISTRICT OF NEW JERSEY

3 HERBERT B. RAYMOND, ESQ.
4 ATTORNEYS AT LAW
5 7 GLENWOOD AVENUE, 4TH FLOOR
6 EAST ORANGE, NEW JERSEY 07017
7 TELEPHONE (973) 675-5622
8 TELEFAX (408) 519-6711
9 VOICEMAIL (815) 642-4613
10 Email: herbertraymond@gmail.com
11 HERBERT B. RAYMOND, ESQ.
12 JEFFREY M. RAYMOND, ESQ.
13 KEVIN DELYON, ESQ.
14 ATTORNEYS FOR THE DEBTOR(S)

Order Filed on June 18, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
FRANCIS D. AVELLA, DEBTOR(S)

Case No.: 18-30162 VFP

Adv. No.:

Hearing Date: N/A

Judge: VINCENT F. PAPALIA

15 ORDER AUTHORIZING LOAN
16 MODIFICATION AND FOR OTHER RELIEF

17 The relief set forth on the following pages, two (2) through four (4) is
18 hereby ORDERED:

20 DATED: June 18, 2019

A handwritten signature in black ink, appearing to read "Honorable Vincent F. Papalia".

21 Honorable Vincent F. Papalia
22 United States Bankruptcy Judge

1 Page 2

2 Debtor: Francis D. Avella, Debtor(s)

3 Case no.: 18-30162 VFP

4 Caption of order: Order Authorizing Loan Modification and for
5 Other Relief

6

7 1. That the Debtor(s) be and are hereby authorized to enter
8 into and consummate a loan modification with Specialized Loan
9 Servicing, LLC ('Specialized'), pursuant to the terms and
10 conditions of the proposed loan modification agreement, entitled
11 Home Modification Agreement, filed as an Exhibit in support of
12 this motion relating, to real property located at 4306 Newkirk
13 Avenue, North Bergen, New Jersey 07047 and the loan modification
14 be and is hereby approved.

15 2. That the Debtor and/or Specialized, be and are
16 authorized to enter and consummate any transaction necessary and
17 incident to the loan modification relating to this property, the
18 sole exception being the transfer of the property or an interest
19 in the property by the Debtor(s) to someone else.

20 a. Limited automatic stay relief is granted, to allow
21 Specialized, to negotiate any such agreement with the Debtor(s)
22 or counsel, enter into and sign a loan modification agreement,
23 and record any documents with the appropriate county recorders
24 office without such action being considered a violation of the
25 automatic stay.

26 3. That the Debtor and/or Specialized, are authorized to
27 negotiate and prepare the terms or documents relating to a loan
28

1 Page 3

2 Debtor: Francis D. Avella, Debtor(s)

3 Case no.: 18-30162 VFP

4 Caption of order: Order Authorizing Loan Modification and for
5 Other Relief

6

7 modification, or any necessary transaction incident to a loan
8 modification agreement, such as, but not limited to the
9 circumstances described above, with respect to this property and
10 any such negotiation and/or preparation of documents and/or
11 recording of documents, by the parties shall not be considered to
12 be a violation of the automatic stay and are specifically
13 authorized by the Bankruptcy Court.

14 4. That any communication by the parties relating to the
15 loan modification shall be considered to be negotiations,
16 pursuant to the Rules of Evidence, and shall not be used by
17 either party against the other in the context of any subsequent
18 litigation in this Court or any state court, federal court or
19 non-judicial forum.

20 5. That nothing in this order shall be construed as a
21 modification of the plan.

22 6. That the mortgage company and/or mortgage servicer may
23 not persuade the Debtor(s) to dismiss this case in order to
24 consummate a loan modification.

25 7. That because the mortgage is being modified and the pre-
26 petition arrears are being addressed in the new mortgage, the
27 pre-petition arrearage claim, filed by Specialized, or its
28 predecessors, assignees or successor in interest, as claim

1 Page 4

2 Debtor: Francis D. Avella, Debtor(s)

3 Case no.: 18-30162 VFP

4 Caption of order: Order Authorizing Loan Modification and for
5 Other Relief

6 _____
7 number two (2) on the claims register, shall not be paid and the
8 Trustee shall not make any payments/disbursements on this pre-
9 petition arrearage claim or any post-petition arrearage added to
10 the plan, if applicable. If the modification is not
11 consummated for any reason, Specialized, may, during the
12 pendency of this case, re-list the matter for further hearing,
13 otherwise, this order shall be deemed final.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28